

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD P. GLUNK,
Plaintiff

v.

R. BARRETT NOONE, et al.,
Defendants

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No. 1:16-cv-01147

(Judge Kane)
(Magistrate Judge Carlson)

ORDER

AND NOW, on this 8th day of December 2016, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts in part the Report and Recommendation (Doc. No. 63), of Magistrate Judge Carlson;
2. The Report and Recommendation is **ADOPTED** insofar as it recommends dismissal of Plaintiff's amended complaint with prejudice;
3. The Report and Recommendation is **NOT ADOPTED** with respect to the application of the first-filed rule to dismiss Plaintiff's amended complaint;
4. Defendants' motions to dismiss (Doc. Nos. 24, 25), are **GRANTED**;
5. Plaintiff's amended complaint (Doc. 13), is **DISMISSED** with prejudice pursuant to the doctrine of res judicata;
6. Plaintiff's appeal (Doc. No. 64), is **DENIED**; and
7. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania